

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

19-CA-225895

8-17-18

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer NW Packing		b. Tel. No. 360-696-4356
		c. Cell No. messages #6
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1701 W 16 <sup>th</sup> St. Vancouver WA 98660	e. Employer Representative unknown	g. e-Mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) cannery	j. Identify principal product or service	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months the Employer terminated (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) engaging in union and/or protected concerted activity.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

## 4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

## 4b. Tel. No. (b) (6), (b) (7)(C)

## 4c. Cell No.

## 4d. Fax No.

## 4e. e-Mail

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare (b) (6), (b) (7)(C) that the facts are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) (Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Address

(date)

7/27/2018

## Tel. No.

(b) (6), (b) (7)(C)

## Office, if any, Cell No.

## Fax No.

## e-Mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
SUBREGION 36  
Green-Wyatt Federal Building  
1220 SW 3rd Avenue, Suite 605  
Portland, OR 97204-2170

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (503)326-3085  
Fax: (503)326-5387

September 20, 2018

(b) (6), (b) (7)(C)

Re: Northwest Packing Co.  
Case 19-CA-225895

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Northwest Packing Co. has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that Northwest Packing Co. ("Employer") fired you in retaliation for having engaged in union and/or protected activity in violation of Sections 8(a)(1) and (3) of the Act. The investigation revealed that you had engaged in protected activity by bringing up equipment issues to the Employer at various times in 2017, but that you had not engaged in any union activity prior to your discharge. There is no evidence the Employer harbored any animus toward you for bringing the safety issues forward or that you had raised these issues after discussing them with your coworkers. Moreover, the investigation revealed that the Employer terminated your employment under its attendance policy because you were a No Show/No Call on (b) (6), (b) (7)(C), 2018. At the time of your discharge, you were on a final warning for attendance issues; specifically, for having several instances of being a No Show/No Call within the past 12 months. The evidence establishes that the Employer's action was consistent with its discharge of other employees who had similar attendance infractions. As such, further proceedings are not warranted and I am dismissing your charge.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at [www.nlrb.gov](http://www.nlrb.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). You are encouraged to also submit a complete statement of the

facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **October 4, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 3, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 4, 2018**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 4, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



RONALD K. HOOKS  
Regional Director

Enclosure

cc: Gale Baird, Regional Director  
Northwest Packing Co.  
PO Box 30  
Vancouver, WA 98660-1067